

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT HUNTINGTON

FILED

JAN - 7 2003

SAMUEL L. KAY, CLERK
U. S. District & Bankruptcy Courts
Southern District of West Virginia

UNITED STATES OF AMERICA

v.

Criminal Action No. 3:02-00231

JOHN DAVID MOONEY

MOTION TO BE RELIEVED OF APPOINTMENT AS COUNSEL

Comes now Mary Lou Newberger, Federal Public Defender, counsel for John David Mooney, and moves this Honorable Court to permit her to withdraw as counsel for the defendant and in support of this motion, counsel states as follows:

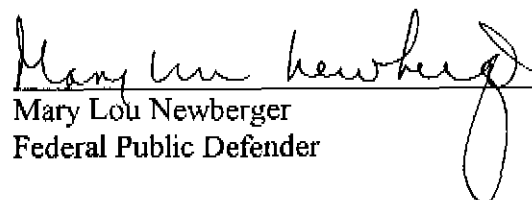
1. On December 30, 2002, counsel received a copy of a letter that Mr. Mooney wrote to the Court on December 23, 2002, in which he expressed concerns about his representation by the Office of the Federal Public Defender.

2. On January 2, 2003, Federal Public Defender Mary Lou Newberger consulted with the defendant and she believes it is in his best interest for him to have other counsel to represent him.

3. Based on the above, it appears that an irremediable breach has occurred between counsel and defendant and it would be in Mr. Mooney's best interests for him to have other counsel.

Wherefore, counsel respectfully requests that she be permitted to withdraw from her representation of the defendant in the above matter.

Respectfully submitted,



Mary Lou Newberger
Federal Public Defender

CERTIFICATE OF SERVICE

The undersigned, Mary Lou Newberger, hereby certifies that the following motion has been served upon opposing counsel, the United States Attorney, by hand-delivering, on this date, a true copy of the same to his office, at Room 4000, United States Courthouse, 300 Virginia Street East, Charleston, West Virginia:

“Motion to Be Relieved of Appointment as Counsel”

Dated: January 3, 2003



Mary Lou Newberger
Federal Public Defender